

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 432 OF 2004

MR.PANDIT M.INSULKAR AND ANR., ...Petitioners

Versus

MR.DEELIP HARICHANDRA INSULKAR AND ANR., ...Respondents

Shri J. P. Mulgaonkar, Advocate for the petitioners.

Shri S. S. Kantak, Advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 25th August, 2005

P.C.

Heard Mr. Mulgaonkar, learned Counsel for the petitioners.

2. The petitioner No.1-the original plaintiff and the petitioner No.2 who has now been impleaded as the plaintiff no.2 are aggrieved by the order of the trial Court to the extent it rejected the application seeking amendment in the plaint.

3. The trial Court rejected the amendment application firstly on the ground that the earlier application made by the petitioner seeking amendment in the plaint was rejected on 11.2.2002. Secondly, the learned trial Court held that the cause of action for the relief of mandatory injunction arose on or about 17.6.1998 and the relief of compensation arose on 30.8.1998 and the amendment application was made by the plaintiff on 24.10.2002 and thus, the prayers for compensation and mandatory injunction sought to be introduced by way of amendment application are barred by limitation.

4. Consideration of the application by the learned trial Court cannot be said to suffer from any error of jurisdiction.
5. No case for invocation of writ jurisdiction is made. Writ Petition is dismissed in limine.

R. M. LODHA, J.